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U.S. Citizenship  
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APR 25 2005

FILE:

[Redacted]

Office: NEBRASKA SERVICE CENTER

Date:

(LIN-04-094-52244 relates)

IN RE:

Applicant:

[Redacted]

APPLICATION:

Application for Travel Document Pursuant to Section 223 of the Immigration and Nationality Act, 8 U.S.C. § 1203.

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*[Handwritten signature: Robert P. Wiemann]*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Acting Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Russia, who seeks to obtain a travel document (reentry permit) under section 223 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1203. The Acting Director denied the application after determining that the application was filed after the applicant had departed the United States. *See Acting Director's Decision* dated October 22, 2004.

The regulation at 8 C.F.R. § 223.2 states in pertinent part:

(b) Eligibility.

(1) Reentry permit. Except as otherwise provided in this section, an application may be approved if filed by a person who is in the United States at the time of application and is a lawful permanent resident or conditional permanent resident.

On appeal, the applicant does not dispute the fact that she submitted the Form I-131 after she had departed the United States. She states that she left the United States in September 2002 in order to study abroad and intended to return in June 2003. The Form I-131 was filed on February 18, 2004, 16 months after she departed the United States. In addition she states that she did not return to the United States within one year of departure due to family problems. Furthermore she states that the American Consulate in St. Petersburg and the Embassy in Moscow would not grant her an appointment to explain her situation and she requests that the Form I-131 be granted so she can return to the United States.

The regulation at 8 C.F.R. § 103.3(a)(1) states in pertinent part:

(v) Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

In the present case the applicant has failed to identify specifically any erroneous conclusion of law. Accordingly, the appeal will be summarily dismissed.

It is noted that a lawful permanent resident of the United States who is in possession of evidence of lawful admission (Form I-551) and intends to reenter the United States within one year of his/her last departure may not require a reentry permit to reenter. However, if a lawful permanent resident seeks to reenter after an absence of one year or more, and does not possess a reentry permit, he/she should contact a United States consulate abroad for further information regarding his/her possible options for return to the United States.

**ORDER:** The appeal is summarily dismissed.